

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

JEROME M. MERAZ

PLAINTIFF

v.

Civil No. 05-3033

CHUCK MEDFORD, Sheriff,
Carroll County, Arkansas; LT.
BETH REELY; MARK LOTT;
MIKE BROWN; and WALT
NEOSPHKER

DEFENDANTS

ORDER

On December 7, 2005, defendants filed a summary judgment motion (Doc. 32). To assist plaintiff in responding to the summary judgment motion, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the summary judgment motion.

For this reason, Jerome M. Meraz is hereby directed to complete, sign, and return the attached response to defendants' summary judgment motion on or before **February 28, 2006**. **Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.**

IT IS SO ORDERED this 30th day of January 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

JEROME M. MERAZ

PLAINTIFF

v.

Civil No. 05-3033

CHUCK MEDFORD, Sheriff,
Carroll County, Arkansas; LT.
BETH REELY; MARK LOTT;
MIKE BROWN; and WALT
NEOSPHKER

DEFENDANTS

RESPONSE TO SUMMARY JUDGMENT MOTION

TO: JEROME M. MERAZ

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions.

You must file this response by **February 28, 2006**.

1. On April 15, 2005, you were transported from the Arkansas Department of Correction (ADC) to the Carroll County Detention Center (CCDC) for a court appearance.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibits 1, 5, & 16.

2. At 4:10 p.m. on April 15, 2005, the jail transport van, owned by the Carroll County Sheriff's Department and being driven by John Rains, was rear-ended by a pick-up

truck, owned and drive by Melvin K. Usrey.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2.

3. The accident occurred in Green Forest and officers from the Green Forest Police Department responded to the scene of the accident.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2.

4. A third vehicle was involved in the accident, a 4-door Honda being driven by Pamela Fancher.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2.

5. The van was between the Honda and the pick-up.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2.

6. All three vehicles were functional and no vehicle had to be towed from the scene.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2.

7. No occupants of any of the vehicles, including you, reported any injury at the time.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2.

8. You declined all emergency medical care and signed a patient refusal of treatment and/or ambulance transport.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 4.

9. There was very little property damage to any of the vehicles involved.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 2.

10. You completed a witness statement in which you stated the van was stopped when the truck hit it from behind. You indicated the van then tapped the car in front of it.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 3.

11. You were booked into the CCDC at 4:45 pm. and were smiling and in no apparent discomfort.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 5.

12. During your intake into the CCDC, you completed and signed an inmate medical questionnaire in which you stated you had no pain, bleeding, or other symptoms suggesting emergency medical service was needed, and that you did not have any other medical condition the jail staff needed to be aware of.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 6.

13. At 12:00 p.m. on April 15, 2005, you submitted a request in which you stated your back and neck had started hurting last night and getting stiff this morning. You stated you felt like a board. You stated you thought you felt bad and indicated John Rains had told you that if you got to feeling bad to let someone know so you could be looked at.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 9.

14. When you wrote “1200 pm” on the request was it noon or midnight?

Answer:

15. In response to your request, you were given Tylenol.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants’ exhibit 9.

16. Did the Tylenol help?

Answer:

17. On April 16, 2005, at 5 p.m., you submitted a request in which you stated you needed to talk to John Rains ASAP. You also stated you needed pain medication.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 10.

18. In response, you were given Tylenol.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 10.

19. Did you talk to John Rains?

Answer: Yes _____ No _____.

If you answered yes, please describe your conversation with him.

If you answered no, please state the reason you were told you could not talk to John Rains.

20. On April 16, 2005, at 6:00 p.m. you submitted a request/medical form. You stated you needed to talk to John Rains ASAP. You indicated you also needed pain medication.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 11.

21. John Rains spoke with you in the booking room at 2326 (11:26 p.m.).

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 11.

22. Were you given more Tylenol or anything else for the pain?

Answer: Yes _____ No _____.

If you answered yes, please state what medication you received and when you received it.

23. On April 17, 2005, you made no requests for medical care or treatment.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. If you submitted medical requests on the 17th, please attach copies of them to this response.

24. On April 18, 2005, at 9:30 you submitted a request. You stated your back and neck were sore. You indicated the Aspirin did not help. You indicated John had said if you didn't feel better you should let them know so that you could be taken to be looked at.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 12.

25. In response, jail administrator Beth Reely noted that you were scheduled to go to court that day and back to the ADC the next day. She noted you were given Tylenol.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 12.

26. On April 18, 2005, at 3:30 p.m. you submitted a request stating you needed to speak with John Rains ASAP. You asked if he could be called.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 13.

27. Beth Reely responded that the message had been delivered.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 13.

28. Did you speak with John Rains?

Answer: Yes _____ No _____.

If you answered yes, please describe your conversation with him.

29. On April 18, 2005, Sheriff Chuck Medford wrote a letter to the ADC to inform them that after you had been picked up from the Brickeys Unit by Deputy Rains the Carroll County van had been involved in a car accident but that no injuries were evident at that time.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 14.

30. Since that time, Sheriff Medford noted that you had complained of stiffness in your neck, shoulders, and back. He stated you had been provided with over the counter pain medication.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer defendants' exhibit 14.

31. You received Tylenol three times a day during your incarceration at the CCDC.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 15.

32. On April 19, 2005, at 6:00 a.m. you transported back to the ADC.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 16.

33. On March 17, 2005, approximately a month before your transport to the CCDC, you submitted a medical request form in which you stated you had chronic back, neck, and shoulder pain.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 17 at page 23.

34. On April 19, 2005, the day you returned to the ADC from the CCDC, you were seen regarding your complaint that you had a kink in your neck since Friday, the day of the car accident, a headache, and a pinch in your lower back.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 17 at page 29.

35. You were prescribed an over the counter medication Motrin or Ibuprofen, 600 mg., three times a day, for three days.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 17 at page 29.

36. On April 22, 2005, you were seen at the ADC complaining of a kink to your neck. You wanted your complaint to be treated as an emergency.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibits 17 at page 30.

37. You were instructed that this wouldn't be an emergency and that you were to continue to take the Ibuprofen that had been given.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 17 at page 30.

38. On April 28, 2005, you were seen at the ADC. It was a follow-up visit on your complaint of a stiff neck. You were noted to have a good range of motion, no tension, no spasm. Your examination was normal.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibits 17 at page 30 & page 42.

39. The only medications given to you while you were at the ADC were Excedrin, Atenolol (a high blood pressure medication), Dexamethasone (a steroid), and Motrin.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 17 at pages 34-36.

40. On May 23, 2005, your cervical spine was x-rayed and no acute fracture or dislocation was present. There were degenerative changes with spurring and loss of joint space associated with the degenerative change at the C5-6 level.

Agree_____ Disagree_____ Without knowledge to agree or disagree_____.

If you disagree, explain. In explaining, please refer to defendants' exhibit 17 at page 40.

41. While you were at the CCDC, did you communicate directly with Sheriff Medford about your request for medical care?

Answer: Yes _____ No _____.

If you answered yes, please state when you communicated with him and describe your communication with him.

42. While you were at the CCDC, did you communicate directly with Lt. Beth Reely about your request for medical care?

Answer: Yes _____ No _____.

If you answered yes, please state when you communicated with her and describe your communication with her.

43. While you were at the CCDC, did you communicate directly with Mark Lott about your request for medical care?

Answer: Yes _____ No _____.

If you answered yes, please state when you communicated with him and describe your communication with him.

44. While you were at the CCDC, did you communicate directly with Mike Brown about your request for medical care?

Answer: Yes _____ No _____.

If you answered yes, please state when you communicated with him and describe your communication with him.

45. While you were at the CCDC, did you communicate directly with Walt Noftsgger about your request for medical care?

Answer: Yes _____ No _____.

If you answered yes, please state when you communicated with him and describe your communication with him.

46. Did the CCDC have a jail nurse or jail doctor?

Answer: Yes _____ No _____.

If you answered yes, please state who the jail nurse or jail doctor was and whether you saw him or her.

If you answered no, please state who made the decision at the CCDC whether an inmate needed to be seen by medical personnel.

47. Please describe the injuries you sustained during the automobile accident. In doing so, please state: (a) the symptoms you experienced; (b) when the symptoms first began; (c) the severity of the symptoms; (d) how long it took you to recover from the injuries;

[illegible]

49. Please state how you believe Lt. Beth Reely exhibited deliberate indifference to your serious medical needs.

50. Please state how you believe Mark Lott exhibited deliberate indifference to your serious medical needs.

51. Please state how you believe Mike Brown exhibited deliberate indifference to your serious medical needs.

52. Please state how you believe Walt Noftsgger exhibited deliberate indifference to your serious medical needs.

53. Did the over the counter medication you received at the CCDC help with the

discomfort you were experiencing in your back, neck, and shoulder?

Answer: Yes _____ No _____.

If you answered no, please explain.

54. Do you contend a policy or custom of Carroll County resulted in your being denied adequate medical care?

Answer: Yes _____ No _____.

If you answered yes, please describe the policy or custom and how it operated to deprive you of adequate medical care.

Detail below any further response you would like to make to defendants' summary judgment motion. If you have any exhibits you would like the court to consider, you may attach them to this response.

[illegible]

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS
TRUE AND CORRECT.

EXECUTED ON THIS _____ DAY OF _____ 2006.

JEROME M. MERAZ